



W.P.No.16443 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No. 16443 of 2025

R.Venkatesan

...Petitioner

Vs.

1. The District Registrar (Admin)
District Registrar Office,
Tambaram Registration District,
Tambaram, Chennai 600 043.

2. The Sub Registrar
Selaiyur,
Chinglepet District.

3. Chelladurai

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the second respondent to register the gift deed executed on 28.08.2024 by the petitioner notwithstanding the protest letter dated 14.08.2023 presented by the third respondent.

For Petitioner : Mr.M.L.Ganesh

For Respondents : Mr.U.Baranidaran
Special Government Pleader
for R1 and R2



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ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to respondent No.3 is dispense with.

2. The present writ petition is filed for a writ of mandamus to register the gift deed executed on 28.08.2024 by the petitioner notwithstanding the protest letter dated 14.08.2023 presented by the third respondent.

3. The petitioner is the absolute owner of the property situated at Madambakkam Village, Tambaram Taluk, Chinglepet District comprised in O.S.No.725(part), R.S.No.725/2, present survey No.725/2A1A2 measuring an extent of two acres by virtue of Release Deed, registered as Document No.21.06.2012 SRO Selaiyur and Deed of Rectification, registered as Document No.8331/2014 SRO Selaiyur executed by petitioner's sister, Ms.Ellammal.

4. It is the case of the petitioner that ever since the release deed was executed, he has been in absolute possession and enjoyment of the subject land.

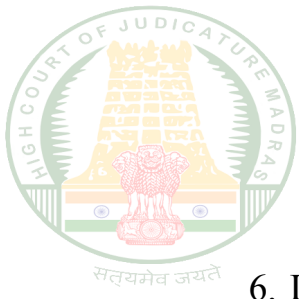


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There has been no encumbrance whatsoever by any third parties. The revenue records have also been mutated as evident from the patta bearing No.7888. The petitioner proposed to convert the above land into house sites and had applied for sanction plan before the Chennai Metropolitan Development Authority. The petitioner had remitted appropriate development charges to CMDA. CMDA had approved the layout and directed the petitioner to gift the road area as well as OSR land in favour of the Commissioner, Tambaram Corporation. In compliance with the above direction, the petitioner had presented a gift deed on 28.08.2024 in favour of the Tambaram Corporation. The above gift deed in favour of the Tambaram Corporation, which is a condition precedent for approval of the layout is now sought to be refused by the second respondent on the premise that the third respondent has lodged a protest letter with the first respondent.

5. It is the case of the petitioner that a partition suit is filed by the third respondent claiming 1/9th share in the subject property. It is submitted that there is no interim order in the suit and thus the registering authority, viz. the second respondent had acted in excess of its jurisdiction in refusing to register the gift deed.



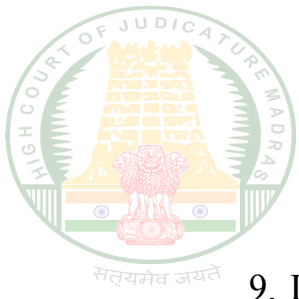
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6. Learned Special Government Pleader for respondent Nos.1 and 2 would submit that while that there could be no doubt that mere pendency of the suit in the absence of an interim order cannot be cited as a reason to refuse registration. However, inasmuch as the gift deed is in favour of the Tambaram Corporation, it is only appropriate that the Tambaram Corporation is also informed about the pendency of the suit by the petitioner before registration takes place. This is only with the view to ensure that third party interest are likely to be created and third parties may suffer adverse consequence in the event the gift deed is found defective.

7. Learned counsel for the petitioner would readily agree and would submit that a letter would be addressed to the Tambaram Corporation as to the pendency of the suit.

8. Learned Special Government Pleader for respondent Nos.1 and 2 would then submit that once the petitioner submits an acknowledgment of the Commissioner, Tambaram Corporation informing pendency of the suit, the second respondent would confine its enquiry into whether there is any interim order in the suit and if there is none, would proceed with the registration of the gift deed.



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9. In view thereof, the petitioner would make a representation, enclosing a letter addressed to the Tambaram Corporation intimating the Tambaram Corporation about the pendency of the suit and also enclose the status of the suit, within a week from the date of receipt of a copy of this order. The Sub Registrar viz., the second respondent herein would proceed to register the gift deed, provided the petitioner is able to demonstrate that there is no interim order in the said suit, after affording reasonable opportunity of hearing to the respondent No.3 and any other interested parties/rival claimants, and also putting the respondent No.3 and any other interested persons/rival claimants on notice. It is open to the petitioner to submit records that would show that there is no interim order in the said suit.

10. Accordingly, the writ petition stands disposed of. There will be no order as to costs.

02.06.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn



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To

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MOHAMMED SHAFFIQ, J.

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